

DRAFT

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING ORDINANCE NO. 27606 AND REPEALING ORDINANCE NO. 27932 TO EXTEND THE ENTIRE PERIOD OF THE LIMITED PILOT PROGRAM TO ALLOW CERTAIN SECOND RESIDENTIAL UNITS, FROM JANUARY 1, 2006 TO OCTOBER 31, 2007, WHICH PROGRAM AUTOMATICALLY TERMINATES IF 100 PERMITS ARE ISSUED; AND AMENDING ORDINANCE NO. 27675 TO EXTEND UNTIL OCTOBER 31, 2007 THE TEMPORARY SUSPENSION OF CHAPTER 14.25 OF TITLE 14 OF THE SAN JOSE MUNICIPAL CODE PERTAINING TO PARK IMPACT REQUIREMENTS OTHERWISE APPLICABLE TO SECOND UNITS, WITHOUT MODIFYING OTHER PARTS OF THE SECOND UNIT PILOT PROGRAM

WHEREAS, on November 15, 2005, the City Council approved Ordinance No. 27606 providing for a limited and temporary exception to Ordinance No. 21663, adopted May 15th, 1984 which precluded second units in San Jose; and

WHEREAS, Ordinance No. 27606 provided for a limited pilot program for permitting second units to no more than 100 new units within the City of San Jose during the period from January 1, 2006, through December 31, 2006; and

WHEREAS, Ordinance No. 27675, adopted by the City Council on March 14th, 2006, provided for a suspension of Chapter 14.25 of Title 14 of the San Jose Municipal Code for secondary unit building permits issued in accordance with the provisions of Ordinance No. 27606; and

WHEREAS, Ordinance No. 27932 extended the limited pilot program and the suspension of Chapter 14.25 of Title 14 of the San Jose Municipal Code to June 30, 2007; and

WHEREAS, City desires to extend the pilot program for second units and to extend the suspension of the requirements of Chapter 14.25 with regard to the pilot program, until October 31, 2007; and

WHEREAS, on November 5, 2005, this Ordinance was found to be categorically exempt from environmental review per the provisions of Section 15061(b)(3) of the California Environmental Quality Act of 1970, as amended, under File No. PP05-196;

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NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSE:

SECTION 1. Section 8 of Ordinance No. 27606 is hereby amended to read as follows:

“Section 8. Termination of Pilot Program. This Ordinance and the second unit pilot program set forth herein shall expire and be of no further force and effect as of October 31, 2007. The expiration of this Ordinance and the second unit pilot program shall not affect the permitted legal status of second units duly authorized during the pilot program. Upon expiration of this Ordinance, or upon the issuance of 100 second unit permits, whichever first occurs, the total preclusion of second units set forth in Ordinance No. 21663 shall automatically resume.”

SECTION 2. Section 2 of Ordinance No. 27675 is hereby amended to read as follows:

“Section 2. This Ordinance shall be retroactive to January 1, 2006 and shall automatically expire and be of no further force and effect as of October 31, 2007. The suspension of the requirements Chapter 14.25 of Title 14 authorized herein shall automatically cease and be of no further force and effect as of the date on which the building permit for the 100th unit in the secondary unit pilot program is issued or the date of expiration of this Ordinance, unless the City Council takes further action by ordinance to amend or repeal this Ordinance.”

SECTION 3. Ordinance No. 27932 is hereby repealed and is no longer of any force or effect.

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PASSED FOR PUBLICATION of title this _____ day of _____, 2007, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

VACANT:

CHUCK REED
Mayor

ATTEST:

LEE PRICE, MMC
City Clerk